



Reprinted  
March 1, 2005

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## SENATE BILL No. 142

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DIGEST OF SB 142 (Updated February 28, 2005 7:34 pm - DI 75)

**Citations Affected:** IC 22-11; IC 34-30; noncode.

**Synopsis:** Carbon monoxide detection devices. Requires the installation and maintenance of a carbon monoxide detection device (device) in certain dwellings after December 31, 2005. Makes it a Class D infraction to: (1) fail to install, repair, or replace a device; or (2) remove or tamper with a device or its battery. Provides that a person other than a manufacturer who installs a device is immune from civil liability for claims that the device is defective.

**Effective:** Upon passage; July 1, 2005.

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**Simpson**

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January 4, 2005, read first time and referred to Committee on Homeland Security, Utilities, and Public Policy.  
February 24, 2005, amended, reported favorably — Do Pass.  
February 28, 2005, read second time, amended, ordered engrossed.

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SB 142—LS 6484/DI 96+



First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## SENATE BILL No. 142

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A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 22-11-21 IS ADDED TO THE INDIANA CODE  
2       AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2005]:

4       **Chapter 21. Carbon Monoxide Detection Devices**

5       **Sec. 1. As used in this chapter, "commission" refers to the fire**  
6       **prevention and building safety commission established by**  
7       **IC 22-12-2-1.**

8       **Sec. 2. As used in this chapter, "device" means a carbon**  
9       **monoxide detection device that:**

- 10       (1) has a sensor that responds to carbon monoxide; and  
11       (2) meets the minimum standards for carbon monoxide  
12       detection devices established by rule by the commission.

13       **Sec. 3. (a) As used in this chapter, "dwelling" means a building**  
14       **or structure as described in IC 22-12-1-5(a)(1) on which:**

- 15       (1) initial construction;  
16       (2) construction of an addition; or  
17       (3) remodeling;

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1 begins after December 31, 2005.

2 (b) The term does not include a manufactured home (as defined  
3 in IC 22-12-1-16).

4 Sec. 4. As used in this chapter, "owner" means the person:

5 (1) who is listed on the tax assessment rolls as being  
6 responsible for the payment of real property taxes imposed on  
7 the real property; and

8 (2) in whose name title to real property is shown in the  
9 records of the recorder of the county in which the real  
10 property is located.

11 Sec. 5. A dwelling must contain at least one (1) functioning  
12 device in each dwelling unit installed according to the  
13 manufacturer's instructions and the standards established by the  
14 commission if the dwelling contains at least one (1) of the  
15 following:

16 (1) A gas heating system.

17 (2) A fuel burning appliance.

18 (3) An attached garage.

19 Sec. 6. (a) A device installed in a dwelling under this chapter  
20 must:

21 (1) receive its primary power from the dwelling wiring when  
22 the wiring is served from a commercial source;

23 (2) receive power from a battery when primary power is  
24 interrupted; and

25 (3) be accessible for servicing and testing.

26 (b) The occupant of a dwelling shall:

27 (1) maintain; and

28 (2) test at least one (1) time every six (6) months;

29 a device installed in a dwelling under this chapter in accordance  
30 with the manufacturer's instructions and the rules adopted by the  
31 commission to ensure that the device is in proper operating  
32 condition.

33 (c) The wiring of a device installed in a dwelling under this  
34 chapter:

35 (1) must be permanent; and

36 (2) must not have a disconnecting switch other than that  
37 required for overcurrent protection.

38 Sec. 7. The owner or manager of a dwelling or the rental agent  
39 of the owner is responsible for:

40 (1) the installation of a device in the dwelling as required by  
41 this chapter; and

42 (2) the repair or replacement of the required device not more

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than seven (7) working days after the owner, manager, or rental agent is given written notification of the need to repair or replace the device.

**Sec. 8. A person shall not:**

- (1) tamper with; or
- (2) remove;

a device installed in a dwelling under this chapter or its battery except when necessary for maintenance or replacement purposes.

**Sec. 9. If a device installed in a dwelling under this chapter sounds an alarm, an occupant of the dwelling shall:**

- (1) evacuate the dwelling; or
- (2) follow the manufacturer's instructions concerning the device.

**Sec. 10. (a) A municipality (as defined in IC 36-1-2-11) or a county may adopt an ordinance concerning devices to be located inside dwellings that:**

- (1) includes more stringent or detailed requirements than those set forth in this chapter; and
- (2) does not conflict with this chapter.

**(b) An ordinance is not voided or limited by this chapter if the ordinance:**

- (1) applies to a dwelling; and
- (2) is at least as stringent as the requirements of this chapter.

**Sec. 11. A violation of section 7 of this chapter is not grounds for a reduction or denial of a claim under an insurance policy even if the policy contains terms to the contrary.**

**Sec. 12. Compliance with this chapter does not relieve an owner from the requirements of another applicable law, ordinance, rule, or regulation.**

**Sec. 13. (a) This section does not apply to the manufacturer of a device.**

**(b) A person who installs a device is immune from civil liability for injury or damage resulting under IC 34-20 or any other law for claims that the installed device is defective.**

**(c) This section does not provide immunity against a claim that a person improperly installed a device.**

**Sec. 14. A person who violates section 7 or 8 of this chapter commits a Class D infraction.**

**Sec. 15. The commission shall adopt rules to implement this chapter.**

**SECTION 2. IC 34-30-2-87.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS**

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1 [EFFECTIVE JULY 1, 2005]: **Sec. 87.5. IC 22-11-21-13 (Concerning**  
2 **installation of a carbon monoxide detection device under**  
3 **IC 22-11-21).**

4 SECTION 3. [EFFECTIVE UPON PASSAGE] (a)  
5 Notwithstanding IC 22-11-21-14, as added by this act, the fire  
6 prevention and building safety commission shall carry out the  
7 duties imposed upon it by IC 22-11-21, as added by this act, under  
8 interim written guidelines approved by the state fire marshal.

9 (b) This SECTION expires on the earlier of the following:

10 (1) The date rules are adopted under IC 22-11-21-14, as added  
11 by this act.

12 (2) July 1, 2006.

13 SECTION 4. An emergency is declared for this act.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill No. 142, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 13, after "3." insert **"(a)"**.

Page 2, between lines 1 and 2, begin a new paragraph and insert:

**"(b) The term does not include a manufactured home (as defined in IC 22-12-1-16)."**

Page 2, line 10, after "device" insert **"in each dwelling unit"**.

Page 2, line 23, delete "owner or manager of a dwelling or the rental agent of" and insert **"occupant of a dwelling"**.

Page 2, line 24, delete "the owner".

and when so amended that said bill do pass.

(Reference is to SB 142 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 5, Nays 3.

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## SENATE MOTION

Madam President: I move that Senate Bill 142 be amended to read as follows:

Page 3, between lines 29 and 30, begin a new paragraph and insert:

**"Sec. 13. (a) This section does not apply to the manufacturer of a device.**

**(b) A person who installs a device is immune from civil liability for injury or damage resulting under IC 34-20 or any other law for claims that the installed device is defective.**

**(c) This section does not provide immunity against a claim that a person improperly installed a device."**

Page 3, line 30, delete "13." and insert "**14.**".

Page 3, line 32, delete "14." and insert "**15.**".

Page 3, between lines 33 and 34, begin a new paragraph and insert:

**"SECTION 2. IC 34-30-2-87.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 87.5. IC 22-11-21-13 (Concerning installation of a carbon monoxide detection device under IC 22-11-21)."**

Renumber all SECTIONS consecutively.

(Reference is to SB 142 as printed February 25, 2005.)

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